United Nations E/C.2/2002/3/Add.2

Economic and Social Council

Distr.: General
20 December 2002
English
Original: English/French

Committee on Non-Governmental Organizations
Resumed 2002 session
8-24 January 2003
Agenda item 8
Consideration of special reports

Special reports

Note by the Secretary-General

1. At its 2001 resumed session, the Committee on Non-Governmental Organizations, in accordance with paragraph 61 (c) of Economic and Social Council resolution 1996/31 of 25 July 1996, requested France Libertés: Fondation Danielle Mitterrand (a non-governmental organization with special consultative status) to submit a special report on the organization's position regarding China's sovereignty over Tibet.

2. At its 2002 regular session, the Committee had before it the special report submitted by France Libertés: Fondation Danielle Mitterrand (see E/C.2/2002/3). Following a debate, the Committee decided to request the organization to submit a supplementary special report for the consideration of the Committee at its resumed 2002 session in which the organization was invited to further clarify its previous positions on Tibet.

02-75436 (E) 301202 301202

Supplementary special report by France Libertés regarding Tibet

During the session of 14-25 January 2002 of the Committee on Non-Governmental Organizations, the delegation of China had concluded that France Libertés did not recognize the fact that Tibet was an integral part of China and thus threatened its sovereignty, and had requested the application of paragraph 57 (a) of Economic and Social Council resolution 1996/31, which stipulates that the consultative status of a non-governmental organization may be suspended or withdrawn "if an organization ... clearly abuses its status by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations including unsubstantiated or politically motivated acts against Member States ... incompatible with those purposes and principles".

In February 2002, at the request of the Chinese delegation, forwarded by the Committee on Non-Governmental Organizations, France Libertés presented a special report on its position with regard to Tibet.

During its session of 13-24 May 2002, the Committee on Non-Governmental Organizations recalled that Tibet was an integral and inalienable part of China, and once again with reference to paragraph 57 (a) of resolution 1996/31, requested a supplementary special report clarifying our organization's position regarding Tibet for examination during the Committee's January 2003 session.

In its February 2002 report, however, France Libertés declared that it had complied with the rules followed by the Commission on Human Rights in the organization of its work and the conduct of business (E/CN.4/2001/CRP.1) as well as with article 1 of its own statute, which establishes the organization's primary goal as "to contribute to the promotion and strengthening of individual and collective freedoms throughout the world and to help women and men working for those goals".

The report emphasized that, in accordance with its principles, France Libertés had repeatedly denounced, in meetings of the United Nations Commission on Human Rights and its Subcommission, grave violations of human rights and threats to the basic freedoms of the Tibetan people by China.

The position of France Libertés with regard to Tibet is based, on the one hand, on Article 1, paragraph 2, of the Charter of the United Nations, which establishes that the purpose of the United Nations is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

Moreover, France Libertés noted that the right of the Tibetan people to self-determination had also been recognized by the General Assembly of the United Nations, inter alia, in resolution 1723 (XVI) of 20 December 1961. The fundamental rights of the Tibetan people have been confirmed by General Assembly resolution 2079 (XX) of 18 December 1965.

France Libertés was thus of the view that the presence and actions of the Chinese army and authorities in Tibet prevented the Tibetan people from exercising their right to self-determination, and recalled that the occupation of Tibet by the Chinese army in 1949 and 1950 had been condemned by numerous international institutions, including the European Parliament in its resolutions of 6 July 2000

(B5-0608, 0610, 0617, and 0641/2000) and 14 May 1998 (B4-0511, 0537 and 0538/98).

France Libertés declared that it was gravely concerned at the numerous violations of human rights connected with the refusal by the People's Republic of China to recognize the Tibetan people's right to self-determination. Those violations had been the subject of numerous resolutions by national and international institutions, including:

- United Nations General Assembly resolution 1353 (XIV) of 21 October 1959;
- Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1991/10 of 23 August 1991;
- European Parliament resolutions of 13 April 2000, 14 October 1987, 15 March 1989, 19 November 1992, 15 December 1992 and 15 September 1993;
- United States Congress resolutions S. Con. Res. 129 (16 September 1988), S. Res. 82 (15 March 1989), H. Con. Res. 63 (16 May 1989), S. J. Res. 275 (5 April 1990), S. Res. 107 (18 April 1991), S. Res. 271 (18 March 1992) and H. Res. 188 (26 July 1993).

France Libertés considered that its position with regard to respect for the rights of the Tibetans was in complete conformity with the Charter of the United Nations and the Universal Declaration of Human Rights and recalled that respect for the right to self-determination must be considered as a prerequisite for a process of reconciliation and peace-building in the region, and it invited the Chinese authorities to embark on such a process with qualified representatives of the Tibetan people, as for example the Dalai Lama, winner of the 1989 Nobel Peace Prize.

Through its interventions in the United Nations Commission on Human Rights and in the Subcommission, France Libertés, a non-governmental organization which has had consultative status since 1986, attempts to bolster respect for human rights and the rights of peoples wherever they are under threat.

Our organization's interventions concerning Tibet during the period 1994-1997 recounted the reality of the situation, which is that the basic rights of the Tibetans were being violated by the Chinese authorities.

Recently, those same authorities have opened discussions with representatives of the Tibetan people with the goal of achieving a political solution to the problem of Tibet.

Our organization can only welcome this development and encourage China and the representatives of the Tibetan people to pursue the path of dialogue and negotiation; that is the only way to arrive at a democratic solution satisfactory to both sides.